

SECTION 2

RIGHT-OF-WAY

Right-of-Way Plan

A right-of-way plan showing the right-of-way for the internal street system and dedicated right-of-way for the existing state maintained highway shall be drawn in accordance with the requirements of the County. The widths of the right-of-way shall be in accordance with the following table:

Minor Street - (Less than 50 homes)	50 feet
Minor Collector - (50 - 300 homes)	60 feet
Major Collector - (over 300 homes)	60 feet
Industrial Park Street - (Non Curbed)	60 feet
(Plus 15' wide storm drainage easement on both sides - (Curbed)	60 feet

Control of Right-of-Way

The right-of-way plan shall contain one of the following notes relative to future maintenance of the internal street system:

-State Maintenance. "Subdivision streets constructed within the limits of the right-of-way dedicated to the public use shown on this plan are to be maintained by the State of Delaware following the completion of the streets by the Developer to the satisfaction of the State. The State assumes no maintenance responsibilities within the dedicated street right-of-way until the streets have been accepted by the State."

-Private Streets. "Maintenance of the streets within this subdivision will be the responsibility of the Developer, the property owners within this subdivision or both. The State assumes no responsibility for the future maintenance of these streets."

Acceptance of Right-of-Way Dedicated to the Public Use

The subdivision street within the dedicated right-of-way shall meet the definition of "subdivision street" as found in Section 1 of these "Rules and Regulations". Streets within subdivisions that do not meet this requirement will be accepted for maintenance by the Division of Highways provided it can be shown that the street will serve the traveling public as a connecting link between two existing state highways. The Division of Highways will recommend to the County that rights-of-way for streets that will not serve this additional function as determined by the Division of Highways not be dedicated to the public use.

The dedication of right-of-way shall be approved by the State prior to recording the plan by the County.

Following recordation of the plan, no construction shall take place within the limits of the dedicated right-of-way without the written permission of the State Department of Transportation.

Following construction of the streets in accordance with construction plans approved by the State to the satisfaction of the State, the State Division of Highways agrees to accept for maintenance the paved portion of these streets including curbs and gutters if they exist.

- SUBURBAN COMMUNITY

While retaining all controls over the dedicated right-of-way the Division of Highways assumes no responsibility for:

- 1.Maintenance of the dedicated portion of the right-of-way beyond the present edge of pavement;
- 2.Cutting of grass in any portion of the right-of-way.
- 3.Future improvements the residents may deem necessary such as additional storm water facilities, sidewalks, curbs, gutters, etc.;
- 4.The reconstruction of any street or pavement except as provided for in Delaware Code Title 9, Chapter 5.

- INDUSTRIAL PARK

While retaining all controls over the dedicated right-of-way the Division of Highways assumes no responsibility for:

- 1.Removal of snow.
- 2.Maintenance of the dedicated portion of the right-of-way beyond the present edge of pavement.
- 3.Cutting of grass in any portions of the right-of-way.
- 4.Future improvements the property owners may deem necessary such as additional storm water facilities, sidewalks, curbs, gutters, etc.

5. Street lighting.

6. Maintenance of roadside drainage swales and entrance pipes.

Right of Way Monuments

The developer shall be required to furnish and place right-of-way monuments on the dedicated street right-of-way in accordance with the requirements of the County.

Dedication of Right-of-Way Adjacent to a State Highway

The subdivision of property adjacent to a State Highway is subject to a dedication of right-of-way sufficient to provide a total highway right-of-way in accordance with the following minimum standards:

<u>Department of Transportation Functional Classification Map</u>	<u>Minimum Dedicated Right of Way</u>
Freeway or Expressway Principal Arterial	*50 foot of right-of-way from 1) inside edge of travelway on Divided Highway or 2) Centerline on Multi-lane undivided or two lane highway.
Minor Arterial Major or Minor Collector	*40 foot right-of-way from centerline
Local Road or Street (All other roads other than Subdivision Streets not shown)	**30 foot right-of-way from centerline

*Where Division of Highways has established future right-of-way lines, that portion adjacent to proposed subdivisions shall be recommended for dedication to public use.

**Right-of-way on local roads or streets may be reserved. Set back requirements as required by the local zoning code are to be measured from the reserved right-of-way line.

This width provides for future highway improvements to accommodate the forecast traffic based on the adopted land use plan. Figures II-1 and II-2 show typical sections for various Route Types. Comments with respect to dedicated right-of-way will be provided to the Counties as recommendations.

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Residential Access Policy

1. Access Approval

- a) In the event that DelDOT becomes aware that a property owner is applying for permission to develop his property for residential lots, recommendations will be directed to the local authority regarding access, drainage and adequacy of adjacent highway right-of-way.
- b) Figure II-3, "Spacing of Residential Access Points", shows the desirable minimum standard for the spacing of residential drives. DelDOT however encourages residential lots be served by an internal street system.
- c) Generally DelDOT will not object to Strip Development proposals on roads not within an Urban Area and classified as a Minor Collector on the Functional Classification Map. Prior to recordation of the plan providing this concept, DelDOT will recommend that the planning agency require the subdivider to apply for and obtain a Permit for Entrance Construction in accordance with Paragraph 3, "Access for Strip Development".

2. Access for Single Residential Lot not on a Subdivision Street

Driveways shall be designed to provide storage for at least two vehicles off the highway right-of-way and include a provision for vehicle turnaround to enable entrance to the highway in a forward direction. (Figure II-4 shows a typical residential access design.)

3. Access for Strip Development

The DelDOT Permit for Entrance Construction will require the following:

- a) Completion date of work specified in the permit no later than 2 years from the date of the permit.
- b) The construction of roadway and drainage improvements approved by DelDOT. It is intended that this work will be shown on a construction plan showing details of driveway construction and roadway improvements necessary to upgrade the abutting road to meet the requirements of the Typical Section for Local Roads and Streets shown in Figure II-1. The pavement section for the surfaced shoulder area shown on the Typical Section shall consist of three (3) courses of bituminous surface treatment on 6" Select Borrow base or equivalent.

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DelDOT at its discretion may exclude driveway construction from the permit.

c) A security in the form approved by DelDOT in the amount of 150% of the approved estimated cost to perform the work shown in the permit.

Policy on Reduced Right-of-Way

A. The purposes of this policy are (1) to permit greater flexibility in suburban community design while retaining adequate safeguards to provide the traveling public with sufficient travelway for anticipated traffic, and (2) to minimum cost for construction of additional paving between the back of a curb and the front lot line, thereby reducing lot development cost.

B. This policy shall be uniform throughout the State, but in effect in only those Counties where this policy is signed by appropriate State and County officials, and shall be confined to use in subdivisions where (1) upright or barrier-type curbs and gutters are utilized along all interior streets, (2) streets are dedicated to public use, (3) streets will not require widening due to future land development, (4) shall apply to group, semi-detached and two-family dwellings constructed on fee simple lots, and (5) shall apply to streets of limited length serving fifty (50) dwelling units or less and not to apply to streets that will serve as a collector either in a community or between communities.

C. The Division of Highways shall accept streets constructed in accordance with Title 17, Section 508 of the Delaware Code having reduced right-of-way, provided the following prerequisites are met:

(1) (a) On-street parking within the reduced right-of-way will be prohibited except as provided in section 1c;

(b) All necessary traffic signing will be provided and installed at the expense of the developer as directed by the Division of Highways; and

(c) The requirement for parking within a reduced right-of-way project shall be a minimum 2 1/4 spaces per unit. The parking spaces shall be distributed as follows:

(1) Two spaces (minimum) being provided in the front or rear of each unit, and

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(2)One space per every four units (overflow parking) which may be provided within the public right-of-way (on street parking).

Allocations for overflow parking within the public rights-of-way shall be subject to Division of Highways' approval.

(2)Whenever possible, all utilities, except for surface drainage appurtenances, shall be located outside the right-of-way. Sanitary sewers may be placed within the reduced right-of-way provided all installation takes place with an inspector from the Division of Highways present at all times; particularly when backfilling is being undertaken. Any backfill placed without inspector present shall be subject to removal to ensure proper materials were used and proper compaction attained.

(3)Turnarounds, independent of the parking bay areas, must be provided at the end of the streets to permit maneuvering of service and emergency type vehicles. Circular turnarounds are preferred; alternate designs reflecting the number of dwelling units and length of street must have Division of Highway's approval.

(4)A ten (10) foot permanent construction easement shall be provided along each side of all streets on a lot to allow Division personnel to undertake routine and emergency type of maintenance work and shall be also available for utility and construction purposes.

(5)The placement of shrubbery or plant materials or other visual barriers is prohibited within the triangular area formed by the intersection of two curb lines and a line joining the respective points on each of these lines distant 25 feet from the point of intersection for minor streets, 40 feet from the point of intersection for two collector streets and 40 feet from the point of intersection of collector and minor streets. These triangular areas shall be designated on the record major subdivision plans as sight triangle easements. Violations shall be removed by the party responsible for placement or the Division of Highways shall have full authority to remove same.

- (6) Placement of shrubs or other visual barriers or hazardous obstacles within the permanent construction easement and sight triangle easements shall be prohibited. For the purpose of this policy, fire hydrants shall not be considered as visual barriers or hazardous obstacles.
- (7) Any utility work within the permanent construction easement shall proceed only after prior notice has been given to the Division at least 24 hours in advance.
- (8) The number of dwelling units on any non-collector street shall not exceed 50.
- (9)(a) Where parking bays are adjacent to the street, they shall be graded wherever possible to slope towards the street. Regardless of the slope, away from or towards the streets, a concrete gutter shall be required along the street right-of-way line for purpose of carrying storm water flow, physical separation of streets from parking bays, and demarcation of the reduced right-of-way.
- (10) Pavement design of parking bays shall be subject to approval of the Division of Highways (specifications available from Division of Highways).
- (11) Any subdivision greater than 50 dwelling units must be designed in a manner to provide a collector street system. Collector streets will be designed in accordance with the following:
 - (a) A collector street serving a community of 50 or more dwelling units shall have a minimum right-of-way width of sixty (60) feet and a street width of thirty-six (36) feet back to back of curb.
 - (b) A collector street serving a community of 300 dwelling units or more shall not have lots fronting on it.
- (12) The reduced right-of-way line shall be located at the back of the curb. The minimum reduced right-of-way width shall be 26 feet.

THE APPLICATION OF THIS POLICY IS SUBJECT TO ENGINEERING JUDGEMENT AND GOOD PLANNING. REVISIONS TO THIS POLICY MAY BE MADE IF DEEMED NECESSARY BY BOTH PARTIES. FURTHER, SHOULD EITHER OR BOTH PARTIES FIND THAT IN ITS APPLICATION THE OBJECTIVES OF THIS POLICY ARE NOT BEING MET, THEN IT SHALL BE DECLARED NULL AND VOID BY EITHER PARTY ON WRITTEN NOTICE.